

DRAFT Minutes of the State Board of Health

October 9, 2002

A meeting of the Washington State Board of Health (SBOH) was held at the Wenatchee Convention Center in Wenatchee, Washington. The public meeting was called to order at 9:07 a.m. by Linda Lake, Chair, who addressed the attendees with the following statement:

“This is a public meeting of the SBOH held under provision of RCW 43.20. Notice of the meeting was provided in accordance with provisions of RCW 34.05, the Administrative Procedures Act. Those members having any conflict of interest on any item coming before the Board will report that conflict with respect to the particular subject under consideration. In case of challenge of any Board members by the public, the Board shall decide the status of the challenged members to participate before considering the substance of the matter.

Copies of all materials supplied to the Board for today’s meeting have been available since close of business last Friday from the Board’s Olympia office and on the Board’s Web site at www.doh.wa.gov/sboh. They are also available today, along with anything else we have received since, at the table in the back of the room. To conserve public funds, we have only made as many copies as we feel will be needed, so we may run out of some particularly popular items. If you do not find a document you need, please ask Desiree Robinson, or another Board staff person for one.

Our meeting today is open to the public, so please feel free to listen in on informal discussions involving Board members or staff, including any that may occur during breaks or lunch.”

The following Board members were present:

Linda Lake, MBA, Chair
Vickie Ybarra, RN, MPH
The Honorable Carolyn Edmonds
David Crump, PhD
Carl Osaki, RS, MSPH

Secretary Mary Selecky
Thomas H. Locke, MD, MPH
Charles Chu, DPM
Ed Gray, MD

State Board of Health Staff present:

Don Sloma, Executive Director
Craig McLaughlin, Senior Health Policy Manager
Doreen Garcia, Senior Health Policy Advisor
Marianne Seifert, Health Policy Advisor
Desiree Robinson, Executive Assistant
Jennifer Dodd, Assistant to the Board

Guests and Other Participants:

Pat Malone, Administrator, Chelan/Douglas Health District
Jennifer Tebaldi, Director, DOH Food Safety and Shellfish Programs
Candi Wines, GTF Staff Coordinator
Richard Ellis, Healthy Schools Task Force Planning Committee Member
Marcia Riggers, Assistant Superintendent, OSPI
Nancy Goodloe, Administrator, Kittitas County Health Department
Gary Jefferis, Director of Maintenance & Operations, Everett Public Schools

Paul Sanders, Washington State Prostate Cancer Coalition Chair
James Green, Cle Elum Citizen
Thelma Simon, Cle Elum Citizen
Keith Simon, Cle Elum Citizen
Don Leaf, Consultant
Art Busch, Washington Education Association
Dr. Maxine Hayes, State Health Officer
Randy Phillips, Washington Environmental Health Directors Director

ELECTION OF STATE BOARD OF HEALTH VICE CHAIR

Chair Lake announced that the Board needed to elect a new Vice Chair since the Honorable Neva Corkrum is no longer a Board member. Chair Lake announced that Board member Dr. Tom Locke agreed to serve if there were no other nominations.

Motion: The Board appoints Dr. Tom Locke as Vice Chair of the State Board of Health

Motion/Second: Ybarra/Gray

Approved unanimously

APPROVAL OF AGENDA

Motion: To approve October 9, 2002 agenda

Motion/Second: Crump/Locke

Approved unanimously

ADOPTION OF SEPTEMBER 11, 2002 MEETING MINUTES

Motion: Approve the September 11, 2002 minutes as amended

Motion/Second: Crump/Osaki

Approved unanimously

WELCOME – CHELAN/DOUGLAS HEALTH DISTRICT

Pat Malone, Administrator of the Chelan/Douglas Health District welcomed the Board and provided an overview of the district's structure and concerns. Ms. Malone focused on the higher than normal levels of lead and arsenic identified within the soils of facilities at Wenatchee and Eastmont School District (See handouts distributed to the Board).

Board member Secretary Selecky briefly described the Department of Health (DOH) efforts for surveillance and prevention of lead and arsenic exposure. Dr. Locke briefly described national activities. The Board discussed the difficulty in determining whether children are exposed and, if so, providing resources to follow up. They also discussed parental concern, timing, and what the district has done to date to resolve the issue. Board member Dr. Ed Gray stressed the importance of looking for all the places exposure could occur to avoid this problem in the future in any place around the state.

DEPARTMENT OF HEALTH UPDATE

Secretary Selecky provided an update on Department of Health activities. She announced that the number of adults smoking has dropped since the state initiated its campaign to stop smoking. Secretary Selecky presented the DOH 2003-05 Biennial Budget Submittal to the Office of Financial Management (See Tab 04). She told the Board that the legislature would not finalize the state budget until late spring 2003. She addressed questions from Board Member Carolyn Edwards

regarding the DOH budget request for increased funding costs for newborn screening, about local capacity development funds, and Motor Vehicle Excise Tax (MVET) backfill.

After the state budget discussion, Secretary Selecky described DOH emergency preparedness planning underway regarding small pox vaccine distribution and intervention.

CR-102 PUBLIC HEARING – FOOD WORKER CARD FEES CHAPTER 246-217-025 WAC

Board member Carl Osaki initiated the CR 102- Public Hearing on Food Worker Card Fees-- Chapter 246-217-025 WAC. He described the purpose of the requested WAC change and made a motion to increase the food worker fees to \$10 (See Tab 05). Dr. Locke stressed the food worker card is a critical step in the food protection process because of the vital information it requires food workers to have. The new rule would be effective January 1, 2003.

Public Testimony

Mr. Randy Philips, Director of the Washington Environmental Health Directors (EHD), testified that the EHD conducted a survey that indicates a fee increase is needed. EHD members are proponents of food protection education, but they are concerned because costs are exceeding funding for food worker education. EHD supports the proposed increase in the food worker card fee.

No other testimony was received.

Motion: The Board adopts the change to Chapter 246-217-025 WAC as proposed in the CR-102 (WSR 99-23-087) that increases the food worker card fee to \$10.

Motion/Second: Osaki/Locke

Approved unanimously

DOH REQUEST LEGISLATION AMENDING RCW 43.20.050 – POWERS AND DUTIES OF THE WASHINGTON STATE BOARD OF HEALTH (REGARDING FOOD SERVICE REGULATIONS)

Mr. Osaki explained that DOH is requesting legislation amending Chapter 43.20. RCW to reference the FDA Food Code. (See Tab 06.) Originally the proposal was to amend RCW 43.20.050. Mr. Osaki said he favored creating a new section of Chapter 43.20 RCW rather than expose the bulk of the Board's existing authority to legislative changes. Mr. Sloma provided background on the Board's regulatory authority for food service requirements and explained that the requested legislation would be narrow. (See the draft bill prepared by DOH handed out during the meeting.)

Motion: The Board requests that the Department of Health and the Office of Financial Management request legislation referencing the FDA Food Code as a basis for food service regulations. The request should be to place the following language in a new section within Chapter 43.20 RCW:

“The State Board shall consider the most recent version of the United States food and drug administration's food code for the purpose of adopting rules for food service.”

Motion/Second: Osaki/Locke

Approved unanimously

STATUS REPORT ON FOOD WORKER CARD REQUIREMENTS FOR ADULT FAMILY HOMES

WSBOH Staff Marianne Seifert and DOH staff Jennifer Tebaldi directed the Board to the material behind Tab 07 and provided the Board with an update on the CR-101 issued for Chapter 246-217 regarding the applicability of food worker card requirements for adult family homes staff.

SBOH STAFF ANNOUNCEMENTS AND OTHER BOARD BUSINESS

WSBOH Executive Director Don Sloma highlighted key items in the Board's "FYI" which can be found attached to the meeting agenda in Tab 01. He then referred the Board to the proposal for the 2003 Board meeting schedule found in Tab 08. Due to budget constraints the number of Board meetings would be reduced to 7 meetings for the year, he said, and dates may need to change if the Board meets jointly with local boards of health. Ms. Ybarra requested that the Board hold one of its meetings in Pierce County, possibly in conjunction with the local board.

Motion: The Board adopts the draft Board meeting agenda as printed on October 9, 2003 with clarifications and modifications to be made at another time.

Motion/second: Crump/Locke

Approved unanimously.

Mr. Sloma announced that Board member Vickie Ybarra has been appointed to the Institute of Medicine's (IOM) Committee on Institutional Policies to Increase Diversity in Health Professions Workforce.

REVIEW OF SBOH POLICY "IDENTIFYING, MONITORING, AND COMMUNICATING WITH THE LEGISLATURE ABOUT LEGISLATION RELEVANT TO THE STATE BOARD OF HEALTH"

WSBOH Staff Craig McLaughlin stated that this agenda item is a continuation of a discussion the Board held at its March 13, 2002 meeting. He referred the Board to his memo and the Board's current policy for "Identifying, Monitoring and Communication with the Legislature about Legislation Relevant to the State Board of Health" (see Tab 09). The Board discussed the merits of the current policy. Chair Lake asked staff to prepare a list of issues likely to come up during the session and to prepare a revised draft policy.

Break for lunch at 11:45 a.m. Meeting resumed at 1:15 p.m.

GENETICS TASK FORCE (GTF) REPORT

Chair Lake, State Health Officer Dr. Maxine Hayes, and Genetics Task Force coordinator Candi Wines presented an overview of the Genetics Task Force Report and directed the Board to materials found behind Tab 10. Board members complimented the work of the Genetics Task Force and engaged in a discussion about the recommendations.

Motion: The Board accepts the final report of the Genetics Task Force and forwards it to the Legislature according to the terms set forth by the Legislature in the budget language creating the Genetics Task Force.

Motion/Second: Lake/Chu

Approved unanimously

UPDATE ON PROGRESS OF EMERGENCY POWERS RULE REVIEW

Dr. Tom Locke and WSBOH Staff Craig McLaughlin provided an update on the progress of the emergency powers rule review. Dr. Locke summarized changes to the draft isolation and quarantine rule and referred the Board to materials behind Tab 11. Dr. Locke explained the changes he made to the draft rule and announced that the public hearing to adopt the new rule would occur in December. Mr. McLaughlin described the rule review process underway. Board discussion ensued.

No action requested.

SCHOOL INDOOR AIR QUALITY (IAQ) UPDATE

Mr. Osaki began the presentation by articulating the question the Board is trying to answer: “What is the role of the State Board of Health regarding any policy pertaining to indoor air in schools?” He said he was proposing a workgroup comprised of Board members and a representative from the Department of Health. WSBOH staff Marianne Seifert provided an update on school indoor air issues that the Board has heard testimony on in past meetings, and reviewed the “Survey of Several Local Health Department and School District Responses to School Indoor Air Quality Concerns” (see Tab 12). Ms. Seifert then introduced the following panel and referred the Board to materials in Tab 12. (Also see additional handouts):

- Healthy Schools Task Force Report – *Richard Ellis, Healthy Schools Task Force Planning Committee Member, retired DOH Director of School Health & Safety*
- Office of the Superintendent of Public Instruction (OSPI) School Environmental Health Initiative – *Marcia Riggers, Assistant Superintendent, OSPI*
- Lessons from Cle Elum IAQ Problems – *Nancy Goodloe, Administrator, Kittitas County Health Department*
- Cle Elum-Roslyn High School Health Survey – *Nancy Goodloe*
- Gary Jefferis, Director of Maintenance & Operations for the Everett Public Schools discussed best practices for school environmental health that he said could and should be implemented with enough leadership.

Mr. Osaki noted that the proposed workgroup would consult with OSPI. Ms. Ybarra discussed the connection between the schools work and the Children’s Health work plan. Dr. Locke said the key issue for the Board is how this relates to the Board’s statutory authority and rules in this area. Mr. Osaki added that the Board has heard testimony about school indoor air quality over an eight-year period, and that the Board’s role is not just regulatory.

Motion: The Board appoint a workgroup of Board members and a representative from the Department of Health to develop policy recommendations regarding school indoor air quality and present those recommendations to the Board in January 2003.

Motion/Second: Osaki/Ybarra

Approved unanimously

Mr. Osaki offered to be the chair and requested two more members. Dr. Gray and Ms. Ybarra volunteered. Mr. Osaki said he assumes Secretary Selecky would appoint the DOH representative.

PUBLIC TESTIMONY

Chair Lake addressed the public with the following statement:

“The Board listens carefully to everyone who comes before us, but Board members rarely respond directly to public testimony. We may follow up with questions to make sure we understand the testimony, but typically we do not engage in dialogue or consider any action at this time. If we think future action may be needed, we will ask a staff member to follow up, to conduct any necessary research, and to report back to the Board about possible actions at a future meeting.”

James Green, a parent of a Cle Elum student, encouraged the Board to keep an open mind and watchful eye on indoor air quality issues. He provided written comment on the “Summary of Recommendations Regarding How to Improve the Public Health and School System’s Responses to School IAQ Problems” behind Tab 12.

Keith Simon, a parent of a former Cle Elum student, said we needed to get to the point where community members and students don’t have to repeatedly ask for help before things get taken to the next level, or a coalition gets established.

Thelma Simon, a parent of a former Cle Elum student, said this is a monumental day to hear people discuss the issue in the way they did before the Board. She spoke about her experiences as an advocate for her child with a disability. She said she felt like she had been heard.

Chair Lake thanked Mr. Green and the Simons for their patience with the process and their respectfulness.

Paul Sanders, a Bellevue resident and former state representative, introduced a new organization, the Washington State Prostate Cancer Coalition, of which he is chair (see fact sheet on prostate cancer, brochure, and the articles of incorporation).

ADJOURNMENT

Chair Lake adjourned the meeting at 4:42 p.m.

WASHINGTON STATE BOARD OF HEALTH

Linda Lake, Chair